

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

**Plaintiff**

v.

CIVIL NO. 18-

- a. \$10,175.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1409 in the name of Carlos Velazquez Gines.
- b. \$10,342.69 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1418 in the name of Carlos Velazquez Gines.
- c. \$10,165.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1450 in the name of Carlos E. Velazquez Gines.
- d. \$6,884.33 in United States currency from First Bank Puerto Rico, account ending in \*2656 in the name of Carlos Velazquez-Gines, DBA Rebaja Ya Con Los Mejores Products.
- e. \$890.91 in United States currency from First Bank Puerto Rico, account ending in \*5625, in the name of Carlos Velazquez-Gines.
- f. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Tierras Nuevas Salientes Ward, Lot No. 7, in the Municipality of Manati, Catastro.

Property No. 10,006, recorded at Page 60  
of Volume 228 of Manati, Registry of the

Property of Manati.

- g. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Tierras Nuevas Salientes Ward, Lot No. 4, in the Municipality of Manati.

Property No. 18,077, recorded at Page 161 of Volume 656 of Manati, Registry of the Property of Manati.

- h. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Pugnado Afuera Ward, Las Granjas Sector, Lot No. 3, in the Municipality of Vega Baja, Catastro.

Property No. 10,985, recorded at Page 100 of Volume 193 of Vega Baja, Fourth Section, Registry of the Property of Bayamon.

- i. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Turabo Ward in the Mari-Olga Urbanization, Block Y, Lot No. 27, in the Municipality of Caguas.

Property No. 23,030, recorded at Page 153 of Volume 708 of Caguas, Registry of the Property of Caguas, Section of Caguas.

- j. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Condominio Villas de Manati, Apartment G-301, in the Municipality of Manati.

Property No. 16,822, recorded at Page 1

of Volume 507 of Manati, Registry of the  
Property of Manati, Manati Section,

**Defendants.**

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico, Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief, Civil Division, and David O. Martorani-Dale, Assistant United States Attorney bring this complaint and allege as follows in accordance with Supplemental Rule G (2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

**NATURE OF THE ACTION**

1. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §§981 (a) (1) (A) and (C), 18 U.S.C. §§982 (a) (1) and (4), 21 U.S.C. §§881 (a) (4) (6) and (7), and §853 (a) (1).

**DEFENDANT IN REM**

2. The defendant property seized by an officer of United States Food and Drug Administration (FDA), Office of Criminal Investigations (OCI), consists of:
  - a. \$10,175.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1409 in the name of Carlos Velazquez Gines.
  - b. \$10,342.69 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1418 in the name of Carlos Velazquez Gines.
  - c. \$10,165.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1450 in the name of Carlos E. Velazquez Gines.

- d. \$6,884.33 in United States currency from First Bank Puerto Rico, account ending in \***2656** in the name of Carlos Velazquez-Gines, DBA Rebaja Ya Con Los Mejores Products.
- e. \$890.91 in United States currency from First Bank Puerto Rico, account ending in \***5625**, in the name of Carlos Velazquez-Gines.
- f. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Tierras Nuevas Salientes Ward, Lot No. 7, in the Municipality of Manati, Catastro.

**Property No. 10,006**, recorded at Page 60 of Volume 228 of Manati, Registry of the Property of Manati.

- g. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Tierras Nuevas Salientes Ward, Lot No. 4, in the Municipality of Manati.

**Property No. 18,077**, recorded at Page 161 of Volume 656 of Manati, Registry of the Property of Manati.

- h. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Pugnado Afuera Ward, Las Granjas Sector, Lot No. 3, in the Municipality of Vega Baja, Catastro.

**Property No. 10,985**, recorded at Page 100 of Volume 193 of Vega Baja, Fourth Section, Registry of the Property of Bayamon.

- i. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Turabo Ward in the Mari-Olga Urbanization, Block Y, Lot No. 27, in the Municipality of Caguas.

**Property No. 23,030**, recorded at Page 153 of Volume 708 of Caguas, Registry of the Property of Caguas, Section of Caguas.

- j. All that lot or parcel of land, together with its building, appurtenances, improvements, fixtures, attachments and easements, located at Condominio Villas de Manati, Apartment G-301, in the Municipality of Manati.

**Property No. 16,822**, recorded at Page 1 of Volume 507 of Manati, Registry of the Property of Manati, Manati Section.

#### JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. §1345; over an action for forfeiture pursuant to 28 U.S.C. § 1355; and over this particular action pursuant to 18 U.S.C. §§981 (a) (1) (A) and (C), 18 U.S.C. §§982 (a) (1) and (4), 21 U.S.C. §§881 (a) (4) (6) and (7), and §853 (a) (1).
4. This Court has in rem jurisdiction over the defendant property pursuant to 28 U.S.C. §1355 (b) (1) (A) (acts and omissions giving rise to the forfeiture occurred in this district) and § 1355 (b) (1) (B) (the defendant property is found in this district).
5. Venue is proper in this district pursuant to 28 U.S.C. § 1355 (b) (1) (A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant property is found in this district).

#### BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §§981 (a) (1) (A) and (C) – Civil Forfeiture; 18 U.S.C. §§982 (a) (1) and (4) – Criminal Forfeiture; 21 U.S.C. §§881 (a) (4) (6) and (7) – Forfeitures, and §853 (a) (1) – Criminal Forfeitures.

#### FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the 28 U.S.C. § 1746 unsworn declaration of the FDA-OCI, Special Agent, Kristina Ruisanchez attached hereto, and incorporated herein as if fully stated.

#### CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the

defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 21<sup>st</sup> day of August 2018.

**ROSA EMILIA RODRIGUEZ-VELEZ**  
United States Attorney

*s/Hector E. Ramirez-Carbó*  
**Hector E. Ramirez-Carbó**  
Assistant U.S. Attorney  
Chief, Civil Division  
USDC No. 214902  
hector.e.ramirez@usdoj.gov

*s/David O. Martorani-Dale*  
**David O. Martorani-Dale**  
Assistant U.S. Attorney  
U.S.D.C.-PR 226004  
david.o.martorani@usdoj.gov

350 Carlos Chardón Street  
Torre Chardón  
Hato Rey, Puerto Rico 00918  
Tel. (787) 766-5656  
Fax. (787) 771 4050

VERIFIED DECLARATION

I, David O. Martorani-Dale, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the FDA-OCI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 21<sup>st</sup> day of August 2018.

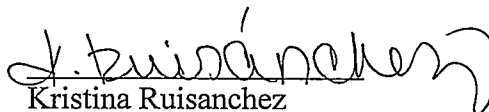
s/David O. Martorani-Dale  
David O. Martorani-Dale  
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Kristina Ruisanchez, Special Agent, FDA-OCI, declare as provided by 28 U.S.C. § 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 21<sup>st</sup> day of August 2018.

  
Kristina Ruisanchez  
Special Agent  
FDA-OCI


**United States District Court for the District of Puerto Rico**
**CATEGORY SHEET**

1. Title of Case (Name of first party on each side only)

U.S. v. (a) \$10,175.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1409 in the name of Carlos Velazquez Gines, Et. Al.,

2. Category in which case belongs: (See Local Rules)

<input checked="" type="checkbox"/>	ORDINARY CIVIL CASE	<input type="checkbox"/>	CIVIL FORFEITURE
<input type="checkbox"/>	SOCIAL SECURITY		
<input type="checkbox"/>	BANK CASE		
<input type="checkbox"/>	INJUNCTION		

3. Title and number, if any, of related cases (See Local Rules)

\_\_\_\_\_  
 \_\_\_\_\_

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 226004

ATTORNEY'S NAME:

David O. Martorani-Dale

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

HATO REY PR

ZIP CODE

00918

TELEPHONE NO.

787-766-5656



JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

David O. Martorani-Dale, AUSA, 350 Carlos Chardon Ave, Suite  
1201, Hato Rey, PR 00918

**DEFENDANTS**

(a) \$10,175.00 in United States currency from First Bank Puerto Rico, Certificate of Deposit number ending in \*1409 in the name of Carlos Velazquez Gines, Et. Al.,

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |  |                            |                            |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify) \_\_\_\_\_  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 21, United States Code, Section 881.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 8/22/2018 SIGNATURE OF ATTORNEY OF RECORD

s/David O. Martorani-Dale

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_